

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Irrigation & CAD Department – Allegation of corruption against Sri B.Rama Rao, Asst. Engineer (Retd.), formerly worked in the Office of Irrigation Section-II, Srikakulam Sub-Division, Srikakulam District – Trapped on 11-09-1993 - Accused Officer acquitted by the Judgement dated 01.12.2003 in C.C.No.24/2000 (Old C.C.No.16/95) – Criminal Appeal No.510/2004 filed before the Hon'ble High Court of A.P., Hyderabad - Appeal dismissed by the Hon'ble High Court of A.P., Hyderabad, Judgement dated 09.03.2011 in Criminal Appeal No.510/2004 - Further action dropped – Orders – Issued.

IRRIGATION & C.A.D. (IW:SERVICES-VI(2) DEPARTMENT

G.O.Rt.No. 1229 .

Dated 06.11.2012.
Read the following:-

1. From the Director General, Anti-Corruption Bureau, Hyderabad, Letter Rc.No.95/RCT-VSK/93-S.12, dated 29-09-1993.
2. G.O.Ms.No.153, Irrigation & CAD (Ser.VI) Department, dated 26.04.1994.
3. From the Director General, Anti-Corruption Bureau, Hyderabad, Letter Rc.No.95/RCT-VSK/93-S.12, dated 19-05-1994.
4. G.O.Ms.No.310, Irrigation & CAD (Ser.VI) Department, dated 24.09.1994.
5. G.O.Rt.No.1318, Irrigation & CAD (Ser.VI) Department, dated 23.10.1997.
6. From the Hon'ble Court of Special Judge for ACB Cases, Visakhapatnam, Judgement dated 28-12-1998 in C.C.No.15/94.
7. Govt. Memo. No.56004/Ser.VI(2)/1993-27, dated 09.04.1999 of Irrigation & CAD (Ser.VI(2) Department.
8. From the Director General, Anti-Corruption Bureau, Hyderabad, Letter Rc.No.95/RCT-VSK/93-S.12, dated 31.10.2000.
9. From the Hon'ble Court of III Addl. District & Sessions Judge-cum-Special Judge for ACB Cases, Visakhapatnam, Judgement dated 01-12-2003 in C.C.No.24/2000 (old C.C.No.16/95).
10. Govt. Memo. No.56004/Ser.VI(2)/1993-45, dated 29.01.2004 of Irrigation & CAD (Ser.VI(2) Department.
11. From the Hon'ble High Court of A.P., Hyderabad, Judgement dated 09.03.2011 in Criminal Appeal No.510 of 2004.
12. From Sri B.Rama Rao, Asst. Engineer (Retd.), representation dated 'NIL'.

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ORDER:

In the reference 1st read above, it has been brought to the notice of the Government that Sri B.Rama Rao, Asst. Engineer, Irrigation & CAD Dept., Section-II, Srikakulam Sub-Division, Srikakulam District was trapped by the Anti-Corruption Bureau authorities, when he demanded and accepted the bribe amount from the complainant. Accordingly, in the reference 2nd read above, orders were issued, placing the accused officer Sri B.Rama Rao, Asst. Engineer under suspension in public interest from the date of communication of the order under sub-rule (1)(c) of rule 8 of A.P.Civil Services (Classification, Control & Appeal) Rules, 1991 and he shall continue to be under suspension until the conclusion of the disciplinary proceedings / termination of all the proceedings relating to the criminal charge.

2. In the reference 3rd read above, the Director General, Anti-Corruption Bureau, Hyderabad in his Final Report dated 19-05-1994 has recommended to prosecute the accused officer Sri B.Rama Rao, Asst. Engineer in a competent Court of Law under Prevention of Corruption Act, 1988.

(P.T.O.)

3. In the reference 4th read above, orders were issued, according sanction for prosecuting the accused officer Sri B.Rama Rao, Asst. Engineer in a competent Court of Law under Prevention of Corruption Act, 1988.

4. In the reference 5th read above, orders were issued, reinstating the accused officer Sri B.Rama Rao, Asst. Engineer (U/s), Irrigation Section No.II, Srikakulam District into service with immediate effect without prejudice to the pending trail on the file of Special Judge for ACB Cases, Visakhapatnam.

5. In the reference 6th read above, the Hon'ble Court of Special Judge for ACB Cases, Visakhapatnam in its Judgement dated 28-12-1998 in C.C.No.15/94 held that the accused officer was acquitted under Section 248(1) Cr. P.C.

6. After examining the matter, it has been decided to prefer an appeal before the Hon'ble High Court of A.P., against the trial court orders, and the Director General, Anti-Corruption Bureau, Hyderabad was permitted to file an appeal in the A.P.High Court against the orders of acquittal of the Trial Court against Sri B.Rama Rao, Asst. Engineer vide reference 7th read above. The same was admitted in the Hon'ble High Court of A.P., on 05-07-1999 and allotted Criminal Appeal No.1184/1999.

7. In the reference 8th read above, the Director General, Anti-Corruption Bureau, Hyderabad has stated that the case was remanded back to the lower court for further steps by the Common Judgement dated 30-12-1999 of Hon'ble High Court of A.P., Hyderabad. Accordingly, the Prosecution has filed application under section 311 Cr. P.C., in the Special Court for ACB Cases, Visakhapatnam for reopening the case for trial vide Cr. M.P.No.121/2000. The court has assigned a new corresponding C.C.No.24/2000 (old C.C.No.15/94).

8. In the reference 9th read above, the Hon'ble Court of III Addl. District & Sessions Judge-cum-Special Judge for ACB Cases, Visakhapatnam in its Judgement dated 01-12-2003 in C.C.No.24/2000 (old C.C.No.16/95) held that the accused officer Sri B.Rama Rao, Asst. Engineer was found not guilty of the charges under Sections 7 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 and he was acquitted under Section 248(1) Cr. P.C.

9. After examining the matter, it has been decided to prefer an appeal in the Hon'ble High Court of A.P., against the trial court orders, and the Director General, Anti-Corruption Bureau, Hyderabad was permitted to prefer an appeal in the High Court of A.P., Hyderabad against the acquittal judgement of the trial court in C.C.No.24/2000 (old C.C.No.15/94) against Sri B.Rama Rao, Asst. Engineer, formerly worked in Irrigation Section No.II, Srikakulam vide reference 10th read above. The same was admitted in the Hon'ble High Court of A.P., on 07-04-2004 and assigned as Criminal Appeal No.510/2004.

10. In the reference 11th read above, the Hon'ble High Court of A.P., Hyderabad in its Judgement dated 09-03-2011 in Criminal Appeal No.510 of 2004 held that "On re-assessment of evidence on record and scrutiny of the judgment of the trial court, the Court of the opinion that findings of acquittal recorded by the lower Court is neither perverse nor palpably unreasonable nor manifestly unjust and there are no circumstances in this appeal to reverse the said finding of acquittal recorded by the trial court. In the result, the appeal is dismissed".

11. In the reference 12th read above, Sri B.Rama Rao, Asst. Engineer (Retd.) in his representation dated 'NIL' has stated among other things and requested to regularize his suspension period and to sanction all retirement benefits, as he is suffering a lot without retirement benefits.

12. After careful examination of the matter, Government have decided to drop further action against Sri B.Rama Rao, Asst. Engineer (Retd.), formerly worked in the Office of Irrigation Section-II, Srikakulam Sub-Division, Srikakulam District, as he was acquitted by the Orders dated 01-12-2003 of Hon'ble Court of III Addl. District & Sessions Judge-cum-Special Judge for ACB Cases, Visakhapatnam vide C.C.No.24/2000 (Old C.C.No.16/95) and subsequently, the Criminal Appeal No.510/2004 filed by the Department was dismissed by the Hon'ble High Court of A.P., vide its Judgement dated 09-03-2011.

13. Accordingly, Government hereby order to drop further action against Sri B.Rama Rao, Asst. Engineer (Retd.), formerly worked in the Office of Irrigation Section-II, Srikakulam Sub-Division, Srikakulam District, as he was acquitted by the Orders dated 01-12-2003 of Hon'ble Court of III Addl. District & Sessions Judge-cum-Special Judge for ACB Cases, Visakhapatnam vide C.C.No.24/2000 (Old C.C.No.16/95) and subsequently, the Criminal Appeal No.510/2004 filed by the Department was dismissed by the Hon'ble High Court of A.P., vide its Judgement dated 09-03-2011.

14. The Engineer-in-Chief (AW), Hyderabad shall take further necessary action in the matter accordingly and acknowledge the receipt of the order.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAIENDRA KUMAR JOSHI
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri B.Rama Rao, Asst. Engineer (Retd.), formerly worked in the Office of Irrigation Section-II, Srikakulam Sub-Division, Srikakulam District thro' the Engineer-in-Chief (AW), Irrigation & CAD Dept., Hyderabad.

The Engineer-in-Chief (AW), Irrigation & CAD Dept., Hyderabad.

Copy to:

The Accountant General (A&E), A.P., Hyderabad.

The Director General, Anti-Corruption Bureau, Hyderabad.

The Secretary to Vigilance Commission,

A.P.Vigilance Commission, Hyderabad.

SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER